

NO. 24881

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

DR. DAVID L. HOLZMAN, Ph.D., on behalf of himself and
persons similarly situated, Petitioner,

vs.

LLOYD VAN de CAR, Chairman and Representative of
the Hawaii County Reapportionment Commission, Respondents.

ORIGINAL PROCEEDING

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of the first amended petition for a writ of mandamus filed by Petitioner David L. Holzman, Ph.D., and the papers in support, it appears that: (1) Petitioner asks this court to order the Hawaii County Reapportionment Commission to reassemble and amend the Hawaii County reapportionment plan filed on December 28, 2001; (2) mandamus relief is available to compel an official to perform a duty allegedly owed to an individual only if the individual's claim is clear and certain, the official's duty is ministerial and so plainly prescribed as to be free from doubt, and no other remedy is available. Barnett v. Broderick, 84 Hawai'i 109, 929 P.2d 1359 (1996); and (3) Petitioner fails to meet the standard for the issuance of a writ of mandamus. Therefore,

IT IS HEREBY ORDERED that the petition for writ of mandamus is denied without prejudice to Petitioner seeking relief in the circuit court.

DATED: Honolulu, Hawai'i, February 21, 2002.